

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

JUSTIN HEATH WEBSTER,

Plaintiff,

v.

SEAN M. STACY,

Defendant.

Case No. 5:20-cv-00192-MHH-HNJ

ORDER OF DISMISSAL

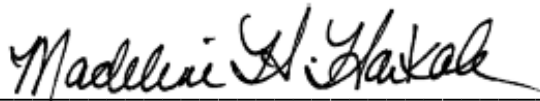
On February 13, 2020, the magistrate judge ordered Mr. Webster to pay an initial partial filing fee of \$4.67 and to return a signed Prisoner Consent Form to the Clerk of Court within 30 days. (Doc. 3). Mr. Webster returned the Prisoner Consent Form, but he did not pay the initial partial filing fee. (Doc. 4). On May 7, 2020, the magistrate judge ordered Mr. Webster to pay the initial partial filing fee within 15 days and notified Mr. Webster that failure to do so could result in the dismissal of his action. (Doc. 5). Mr. Webster did not pay the initial partial filing fee or otherwise respond to the magistrate judge's order, so the magistrate judge entered a report on June 4, 2020, recommending this action be dismissed without prejudice due for failure to prosecute. (Doc. 6). Fourteen days have passed since the magistrate judge issued his report, and the Court has not received objections from Mr. Webster,

though the magistrate judge advised Mr. Webster of his opportunity to object. (Doc. 6, p. 2).

Having reviewed and considered the materials in the court record, including the report and recommendation, the Court adopts the magistrate judge's report and accepts his recommendation. The Court dismisses this action without prejudice for failure to prosecute.

For information regarding the cost of appeal, see the attached notice.

DONE and **ORDERED** this June 30, 2020.



MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

In Replying Give Number
of Case and Names of Parties

NOTICE TO PRISONERS CONCERNING CIVIL APPEALS

The Prison Litigation Reform Act of 1995 (effective April 26, 1996) **REQUIRES** that all prisoners pay the Court's \$500.00 docket fee plus \$5.00 filing fee (for a total of \$505.00) when appealing any civil judgment.

If you wish to appeal in a civil case that Act **requires** that upon filing a notice of appeal you *either*:

- (1) Pay the total \$505.00 fee to the clerk of the district court from which this case arose; *or*
- (2) arrange to have a prison official certify to the district court from which the appeal arose the average monthly deposits and balances in your prison account for each of the six months preceding the filing of a notice of appeal.

If you proceed with option (2) above, the Act requires that the district court order you to pay an *initial partial fee* of at least 20% of the **greater** of either the average monthly deposits or of the average monthly balances shown in your prison account. The remainder of the total \$505.00 fee will thereafter be deducted from your prison account each month that your account balance exceeds \$10.00. Each such monthly deduction shall equal 20% of all deposits to your prison account during the previous month, until the total \$505.00 fee is paid. (If your prison account statement shows that you cannot pay even the required *initial partial fee*, your appeal may nevertheless proceed, BUT THE TOTAL \$505.00 FEE WILL BE ASSESSED AGAINST AND WILL BE DEDUCTED FROM FUTURE DEPOSITS TO YOUR PRISON ACCOUNT.)

Fees are not refundable, regardless of outcome, and deductions from your prison account will continue until the total \$505.00 fee is collected, even if an appeal is unsuccessful.

David J. Smith
Clerk of Court

PLRA Notice